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In re Application of
KENNY et al.
Application No.: 09/194,875
PCT No.: PCT/GB97/01513
Int. Filing Date: 04 June 1997
Priority Date: 04 June 1996
Attorney Docket No.: 07217/012001
For: ELECTRONIC DEVICE

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: DECISION ON PETITION
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: UNDER 37 CFR 1.47(a)
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This is in response to "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 17 October 2000. In a decision dated 17 August 2000 the "PETITION UNDER 37 CFR 1.47(a)" filed 18 May 1999 was dismissed because applicant did not provide adequate proof that the inventor refused to execute the application or could not be reached after diligent effort and did not provide the last known address of the missing inventor, Paul Martin Kenny.

DISCUSSION

A proper reply to the decision mailed 17 August 2000 is the submission of an oath or declaration that complies with 37 CFR 1.497(a) and (b) and, if not signed by all the inventors, satisfaction of the requirements under 37 CFR 1.47(a). The 17 October 2000 communication forwards a declaration signed by missing inventor, Paul Martin Kenny.

A review of the declaration submitted with the Renewed Petition reveals that the declaration fails to comply with 37 CFR 1.497(a)(3). The declaration submitted by Paul Martin Kenny does not include a complete listing of all the inventors. As stated in Manual of Patent Examining Procedure, Section 201.03, "[w]hile each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity."

CONCLUSION

A proper reply to the decision mailed 17 August 2000 is the submission of an oath or declaration that complies with 37 CFR 1.497(a) and (b) and, if not signed by all the inventors, satisfaction of the requirements under 37 CFR 1.47(a). Since the present response appears to be a *bona fide* attempt by applicants to submit the proper response, which through an apparent oversight or inadvertence failed to include a complete response, applicants are required to complete the response by submitting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) to the USPTO within **ONE (1) MONTH** from the mail date of this decision. Extension of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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